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Res Gestae

STUDENT NEWSPAPER OF THE UNIVERSITY OF MICHIGAN LAW SCHOOL

December 4, 2007

Since 1950

Vol. 58 No. 7

The Secret Of My Success: Christopher Jeffries Speaks at Law School

By Cisco Minthorn

I really didn't want to be late. I woke up, looked at the clock and knew I would have to hurry. I threw some clothes on, splashed my face with water and ran out of my Lawyer's Club room. As I entered Hutchins Hall and race-walked to room 138, I saw a table, upon which was an untouched bounty of Zingerman's sandwiches. "Great!" I thought. "I'm not late!" I was first in line to get my share of the food. I didn't want to appear greedy, but I was starving and I wanted to get a seat up front. I didn't have time to be polite -- I boxed out my peers as if I were Shaq going for a rebound until I could grab my lunch and a can of pop.

The first one in the room, I sat in the front row and eagerly began to gobble down my chicken salad sandwich. I wanted to finish before the man of the hour came into the room, because when he did, I wouldn't want to miss a word. Desiring to become what our guest speaker is -- a real estate developer -- I was especially eager to hear him speak. As I feasted upon my sandwich, I could overhear the murmur of various conversations going on in the room. "Who is this guy?" "How



Photo by Matt Weiser

old is he?" I heard someone say. "Sixty, I think," replied another. Many thoughts were racing through my head: "God, if he just gave away \$5 million dollars, how rich is he?"; "How did this guy get from where I am to where he is?"; "Geez! Getting to be a big-time developer takes a ton of financial backing."; "Ah, the

guy probably comes from money." All the while I envisioned this person as a stereotypical, rich fat cat -- a short, portly gentleman with sparse grey hair and a monocle.

Then, a woman came in the room and sat in the chair next to me. She appeared to be in her early sixties. She was well dressed and well spoken. We exchanged pleasantries -- she told me she was "eager to see Chris again" (they've been friends since law school). We talk for a bit -- she said

something to the effect of "Chris's story is really inspiring" -- then I went back to devouring my sandwich. An announcement went out to the crowd that Mr. Jeffries was running a few minutes late. Instantly I was concerned. He was already late, and I had a group

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Res Gestae

Vol 58, No. 7

University of Michigan
Law School

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Letter to the Editor:

Dear Editor:

It was a shock to read Nate Kurtis' article in the Nov. 13 *Res Gestae*. I would like to name the name of another student at University of Michigan Law School who does not hold doors: Nate Kurtis. Last year, another law student and I were entering 200HH about 10 yards behind Nate Kurtis -- with our arms full. As he was entering the room, he turned, looked behind him, saw us, and then let the door close behind him. We had to drop our bags, fish for wallets and get out student IDs to unlock the door, only because he did the very un-Michigan thing of letting the door slam behind him. Mr. Kurtis insists on railing against the loneliness and cruelty of a cell-phone-talking, door-slamming world. But perhaps he should cast the beam out of his eye before pulling the mote out of the eyes of his fellow law students.

Mark Shahinian, 3L



Members from the ACLU, Federalist Society, ACS, JLSA, CLS, and CLSA participate in a discussion on Religious Expression and the First Amendment last Thursday at Leopold Brothers.

Photo by Matt Weiser



UM Law Professors to Compete with Internet

By Austin Rice-Stitt

UM Law's experiment with blocking students from accessing the wireless network during class time came to an abrupt halt with a Nov. 20 email from Assistant Dean for Student Affairs David Baum. The email to all law students said that the internet blocking system, which was discontinued on Nov. 26, had grown "less and less effective" and that the costs of keeping the system in place "outweigh the benefits." Professors will now be responsible for establishing and enforcing an internet policy in their classes, according to Dean Baum.

Dean Baum said that the decision to stop using the system was made by the Administration and then "brought to the faculty for discussion." The faculty "did not object" to restoring access.

The wireless access blocking system was put in the fall of 2005 in response to professor concerns that students were becoming less engaged during classes, according to Dean Baum. Prior to the

installation of the blocking system, Prof. Don Herzog reported that he observed a class at UM Law where "literally 85 to 90 percent of the students" were engaged in various online endeavors including "shopping for clothes at Eddie Bauer." Prof. Herzog was "just stunned."

Dean Baum confirmed that there were some students who disagreed with the initial decision to restrict access, but he said that there were also students who appreciated the Administration's efforts to "save them from themselves."

But more and more students were finding ways to get on the web in spite of the blocking system, according to Dean Baum. Roaming internet access from cellular providers is becoming cheaper and easier, and Dean Baum was concerned by reports that students were also beating the system by trading passwords. Trading passwords, according to Dean Baum, "runs counter to the University's recommendations for appropriate and responsible use of technology resources," and is a security concern because passwords

also give "access to grades and financial information," among other things. Dean Baum said that the administration saw that "enough people were finding ways around [the blocking system] . . . that we felt like it was creating a double standard."

Additionally, the inability of the blocking system to adjust to class cancellations had become a headache for the Administration. Access is supposed to be restored when class is cancelled, but Dean Baum confirmed that restoration "often wasn't happening" and that the Registrar's Office staff was spending too much time trying to restore access to frustrated students.

Dean Baum said that he wasn't sure if UM Law would choose to block the internet if the practical costs were less substantial, but he feels that it may be counter-productive for the school to compete in a virtual "arms race" with tech-savvy students.

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Goodbye [LawStudents] Hello [LSOrgEvents] Listserv

By Sarah Rizzo

There's been a shake-up of Michigan Law email boxes. On November 16, LSSS announced its plan to discontinue the [lawstudents] listserv and launch [lsorgevents] in its place. The new listserv began on November 20.

Unlike [lawstudents], [lsorgevents] is specifically reserved for events that are sponsored or co-sponsored by Michigan Law School student groups, Michigan Law's journals, and other ad-hoc groups created by Michigan Law's administration. The new members-only listserv will serve a critical function: keeping students informed of events going on around school. For students who would like to publicize other events that do not have the sponsorship required for [lsorgevents], [lawopen] will be continue

to be an alternate forum for publicity.

Andrew Knepley, Vice President of LSSS, explained that there are a few reasons for this change. "It seemed like a number of students were confused about which listserv serves which purpose, and the Senate thought the name change would better approximate the purpose of the listserv." He pointed out that the Senate believed the name [lawstudents] was counterintuitive; it was an "official" listserv, but included "students" in the name. Also, the Senate wanted a listserv to begin with "L-S" rather than "L-A-W" to avoid e-mail typing mishaps.

The barrage of [lawopen] ticket sales emails, as well as duplicate commercial solicitations, frustrated some students this fall. However, regulation or changes to [lawopen] have not been forthcoming.

According to Knepley, the Senate at large has not ruled out the possibility of regulation of [lawopen] and the creation of [lawsales]. He adds, however, that although [lawsales] initially seems tempting, he also finds flaws. "My personal speculation would be that a large amount of people would rather not receive e-mail solicitation to purchase various things and would opt out of the [lawsales] listserv, and if so, an unregulated [lawopen] would remain the best option to reach a large part of the student body at a low cost."

The issue of [lawsales] remains open, and Knepley says he is "interested to hear student feedback on such a scheme, possibly on a [lawopen] discussion."

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Law Quad Flagpole Repainted Care Taken While Removing Old, Lead Paint



Photos by Adriel Sanders

Michigan Supreme Court Could End Health Benefits for Many Same-Sex Couples

By Anna Magazinnik

The Michigan Supreme Court will decide by July 31 of 2008 whether an amendment voters added to the Michigan State Constitution in 2004 defining marriage as between a man and a woman prevents public employers, including the University of Michigan, from offering health care benefits to same-sex partners. *Pride at Work v. Granholm*, filed by the ACLU of Michigan in 2005 on behalf of 21 families, seeks a declaratory ruling that the amendment does not bar domestic partner health care benefits. The trial court ruled in favor of the ACLU, but the appeals court reversed. The Michigan Supreme Court heard oral arguments on November 12. On November 14th Jay Kaplan, a staff attorney for the ACLU of Michigan LGBT law project, visited UM law to speak about the case.

According to Mr. Kaplan, the appeals court essentially adopted an opinion issued by Michigan's Attorney General that the language of the Constitution prohibits recognition of same sex relationships in any context. To obtain health benefits, domestic partners have to show among other things that they are over a certain age and that they have lived together for over six months. The court found this showing similar to the requirements for showing a marriage and agreed with the Attorney General, who entered the case as a defendant, that recognition of the domestic partner relationship is prohibited by the 2004 amendment to the Constitution. The ACLU argued that health insurance is not a benefit of marriage, that a marriage is a bundle of many rights, and that offering health insurance, by itself, cannot create a marriage. Mr. Kaplan pointed out that many benefits require a showing of age or other conditions without creating a legal marriage. In addition, he said employers also provide coverage for many others, not only same-sex domestic partners, so that there is no special treatment of same-sex couples amounting

to an unconstitutional recognition of their relationship. He disagreed with the Attorney General's position that the intent of the amendment was to prohibit any incremental approaching of same sex marriage. The ACLU also argued that if there is ambiguity concerning the language, voter intent should be a determining factor in interpretation. Mr. Kaplan described his personal participation in many public forums leading up to the vote in which the main supporters of the amendment, Citizens for the Protection of Marriage and the American Family Association of Michigan, insisted that the issue was only about marriage and that health insurance and domestic partnerships would not be affected. Finally, the ACLU also raised equal protection issues in order to preserve them for a possible federal court challenge to the amendment.

Mr. Kaplan said that despite the generally conservative trend of the Michigan Supreme Court in its prior rulings on LGBT issues, the justices, in their questioning, suggested the possibility of a favorable ruling. Justice Markman, a conservative judge and part of the "solid block of four" that the ACLU believes are not likely to find in their favor, was concerned about the idea that health insurance contains everything that a marriage contains, saying that "a few sticks does not a bundle make." However, the justices also asked whether the case was even necessary because the ACLU developed an alternative method by which employers could provide health care benefits without basing them on domestic partnerships. Under this plan, an employee can "designate another" to receive benefits so long as that other meets certain criteria including that the person not be a family member and have lived with the employee for a specified period of time. However, Mr. Kaplan noted that this program requires a great deal of hoop-jumping and was being used by employers only in a limited capacity as a pilot program. Moreover, many employers do

not use the program in fear that it will also be found unconstitutional.

The appeals court ruling that the amendment prohibits public employers from extending benefits to domestic partners when into effective immediately, which Mr. Kaplan pointed out is extremely unusual when such a case is pending appeal. As a result, many people have now lost their health coverage. The ACLU interviewed many such people, some of whom are now considering moving to another state. If this occurs, the University of Michigan could lose a number of employees. In fact, The University's amicus brief argues that recruitment of professors would suffer without the ability to offer the benefits to domestic partners (Gay, Mara, "Court Set to Hear Benefits Case," *The Michigan Daily*, posted online, 11/6/07).

Student questions for Mr. Kaplan raised many broader implications of the case. Many questioned the very issue of bringing such a case, and whether it might, through potential backlash, harm the LGBT community. Mr. Kaplan responded that there has been a movement recently in the community to ask for rights separate from recognition of intimate relationships. He said that to some degree, this might represent a regression to a willingness to "be accepted" so long as one does not show pictures of one's partner or actually express oneself fully. Mr. Kaplan did say, however, that before filing an action in federal court, if the Michigan Supreme Court returns an unfavorable ruling, the ACLU would consult with other national LGBT groups to determine the best course of action. As an alternative, he suggested that the ACLU may instead concentrate on local communities and incremental changes, while continuing to persuade employers to use the "designate another" program to offer health insurance benefits to same-sex partners.



“Between the Briefs” Here Comes Santa Claus

Ann Arbor Code § 2-03, ch. 119, art. I (2003)

By Rooks

Though I was a little bitter about our incredibly short Thanksgiving break and a lot bitter about getting jacked by PRS, I’ve nonetheless managed to scrounge up a few things to be thankful for this season, namely open exams, presents, and the prospect of two plus weeks of actual, honest-to-goodness downtime (if only we can make it through the bulk of December madness).

Of course, that’s an incredibly big if, because never have I ever met a population of people as neurotic when faced with a test as law students. (Ok, technically that’s not true – there was this one time when I was working at the free clinic – but y’all get what I’m saying.) The darting eyes, frazzled looks and frizzy hair, progressively more unkempt clothing, people falling asleep in carrels and drooling all over their hundred dollar text books with little red creases on their faces from the pages – it’s a complete turnoff. And sure, you may think you have way better things to do during study break than get a little action, what with impending intellectual carnage to contend with, but if I’ve heard it from one exam survivor I’ve heard it from them all: it’s incredibly important to be relaxed come exam time.

To the end of finding all of y’all in good cheer, and since I can’t just force everyone to chill out, I’ve managed to combine a few of my favorite things into a gift guide chockfull of joy and utility, for the law student who may not quite have everything yet, but will certainly be in need of a break (or a forty) before the month is through. Because hey, even if tests don’t get you all bothered (forget about hot), there’s also the looming specter of holiday shopping and job hunting, neither of which is exactly stress-free. (Oh, if any hiring directors are

reading this, I’ve heard it’s better to give than to receive. Just, you know, putting that out there.)

Though it may seem at the moment that the only three wise men worth discussing are Gilbert, Glannon, and Emmanuel, study guides can come in handy in more fields than the law. Sex, being the multi-billion dollar industry that it is, is certainly no exception – there are scores of books out there waiting to tell you everything you don’t know about sex, and didn’t know to bother asking. Of the many manuals on the market, my money’s on *The Big Bang: Nerve.com’s Guide to the New Sexual Universe*. Not only is it non-heteronormative (which, even these days, is a pretty tall order), it’s also one of the few sex manuals I’ve seen that could double as a coffee table book (if your coffee table is into that sort of thing). The writing is snarky and smart, the text is well researched, expansive, and generally non-threatening, and there are loads of instructions, charts and diagrams to help you visualize what the authors are talking about. (Yes, you read that correctly, diagrams – ever heard of an Alex Chee Inverted Plum Roll? Me neither, until I read this book; a picture really is worth a messload of words.) Though I was tempted to select either *Smart Girl’s Guide to Porn* (exactly what it sounds like) or *Guide to Getting it On* (even more exactly what it sounds like), if there’s one non-scholastic sex book folks should check out, I really think *The Big Bang* is it; I’ve had my copy adversely possessed three times and counting. (PSA: Real friends don’t steal books.)

But maybe study guides aren’t your thing. Maybe you’re a doer, a hands-on, practice test type of person. Thankfully, there are a number of sex toys on the market that are in no way concerned about your aforementioned state of perpetual rumplessness; sex toys, unlike law professors, don’t get jollies from

judging you (and finding you wanting). If you’re into aesthetics (and a *really* big spender), the holidays might be a good excuse to spring for a glass or jade dildo or plug – artsy, chic, multifunctional, and way niftier than a paper weight. On (or in) the other hand, if you get off on technological innovation, companies are constantly trying to suss out new-fangled ways to attract your sexual dollar. A music lover in your life might enjoy an OhMiBod, a vibrator that hooks up with the iPod and vibrates to the rhythm (and intensity) of your music. Someone in a long distance relationship (aka half the law school) might prefer that same company’s Boditalk, which activates when calls are made to or from your cell, vibrating in response to the signal for the entirety of your phone call. The best of the techie toys, however, is likely the Je Joue. It’s compatible with Mac or PC (but not men, sorry guys), offers a range of motions, and allows owners to program those various sensations into “grooves” – telling the vibe how, when, and for how long to move. You can even share your mad programming skills with others online.

Speaking of sharing, if study groups are more your bag (working cooperatively to help everyone, talking out problems instead of writing them down, getting other people to do your dirty work for you), there are many organizations that could use your money and/or time this winter. I’m not going to proffer suggestions, since one person’s safe space might be another person’s den of iniquity, but it’s incredibly likely that somewhere out there, there’s an organization that involves sex and could use your help, so go forth – the Internet is a miraculous thing. (If you need a less high-minded motivator, tax breaks from charitable donations might well be the gifts that actually do keep on giving.)

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Prof. Prescott on Academia, Community, and the Path to Professorhood

By Eric Reed

Professor James Jondall (J.J.) Prescott wants to change the way you think about academia, and in his second year teaching at the University of Michigan Law School he's off to a good start.

Professor Prescott is the driving force behind the newly instituted Research Lunches, a series of brown bag lunches at which students showcase work they've done and receive feedback from other students and professors in a community environment. The brown bag lunches are a part of Michigan Law's newly created initiative to help students interested in entering legal academia, particularly those with an eye to becoming professors down the road. According to Prescott, Professor Joan Larsen heads the yet un-named program, which already has several components -- either in place or planned -- that help students and alumni adapt to the demands of the academic marketplace. The brown bag lunches, though, try to accomplish something special.

"We already do a few things for people who are interested in legal academia," Professor Prescott said. "I am not trying to reproduce those... instead, I want to create a forum in which students with similar research interests can find each other as peers, as potential co-authors and as future colleagues."

At Professor Prescott's Research Lunches, students can showcase any form of legal scholarship that they are or have been working on according to Prescott. The sessions will focus on a give and take, he explained, with students spending the first portion of the hour presenting their work, and the latter portion of the lunch dedicated to questions and answers, as well as direct feedback from both students and professors in the audience. Prescott described the format as "a safe

place for students to try out ideas," and hear thoughts or criticisms before they have to risk consequences in the open marketplace or with publication.

"It's not intended to be a seminar. They're not going to be graded," Professor Prescott said, explaining that one of the goals of these lunches is to give students a risk-free working space to try out ideas in the same way that academics do. "We spend a lot of our lunches doing this kind of thing," Prescott said, referring to faculty members. "We have two or three lunches per week."

Professor Prescott explained that the format of the brown bag series was chosen very deliberately to mirror the professional lifestyle of a professor. This is, he said, a part of the larger program's effort to help students both develop the skills and background they will need to enter professional academia, as well as to help students see that life as a professor is not just about giving lectures and "knowing the case better than anyone else," but about research, ideas and collaboration.

"Because this is a lunch specifically about research, it's targeted at people who want to be research faculty, as opposed to legal practice or clinical faculty," Prescott said. "But, of course, everyone is welcome."

This idea of professional collaboration is another major goal of the lunch series, and an aspect of professional life that Professor Prescott is particularly hoping to communicate. "With any luck we'll have two to four of these lunches per semester where I will not be doing much besides hosting and introductions.... This is really about a community of students with similar career or intellectual interests getting together to work on ideas. The short term goal is just to get the community started, and I hope it will be a community for students not just over

one semester but over the course of their three years at Michigan," he said.

The idea behind this goal of community is to help people connect with others who share similar interests in order to spread ideas and perhaps encourage collaboration. "Maybe the paper that ultimately gets written will not be the paper that was presented but a co-authored paper that develops out of a subsequent discussion," he said, expressing one of his hopes for the Research Lunches' results.

Helping students develop work, whether as pure research or directly for publication, is an important part of helping those students prepare to look for work as professors and academics after school, according to Professor Prescott.

"It used to be that you basically got good grades in law school, you clerked for a year or two, and then you went off to teach somewhere.... It's no longer sufficient to get good grades and a good clerkship, but it's also no longer necessary," Professor Prescott said. "As more people with different experiences and backgrounds seek teaching jobs, candidates are expected not just to show that they have good ideas, but also to demonstrate that they can produce quality results."

This new competition in legal academia can often look for applicants who boast multiple publications by the time they seek a job, and Professor Prescott explained that he had that in mind when he started the Research Lunches at Michigan. That said, Prescott emphasized that the research lunches aren't exclusively for people who want to contribute or present.

"The goal is for everybody who attends the lunch regularly, at some time, to present something, although that's not required," Prescott said. "It's and everybody who's interested should try to

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Stress Free Finals: It's Possible

By Sumeera Younis

Finals are upon us and although they can be tough, it is ok not to be freaking out, not to be depressed and not to feel like you are an alien because you haven't been outlining for the last two months. Having been through three rounds of finals so far I have learned some things about the process; perhaps the most shocking being that I have actually learned to have fun studying for finals.

Step 1: Find a Study Buddy

There is a lot of talk about study groups in law school but I have found I do my best work when I have a study buddy. This person doesn't necessarily have to be in your classes or even in your year. Rather they are someone who is on the same study schedule as you. Think of it like a work out buddy. They can help motivate you to be in the library by a certain time, set goals with you, and you can take breaks together. This will help structure your days and establish a routine that will keep you productive.

Step 2: Eat Like You Mean It

Although food is always pretty wonderful, during finals it can serve as the perfect distraction and motivator. You and your study buddy can take in all that South University and State Street have to offer during lunch-time. (May I recommend the lentil soup at Rencouvous, the pancakes at Mr. Greeks, and the chicken parmesan panini at Zas.) Having a fun lunch outing every day will help break up your schedule, keep your brain strong and make you happy.

Snacks are also important. Something I enjoy doing around finals is going to the grocery store and loading up on snacks. I get lots of raw peanuts, candy, and energy drinks. By spoiling myself around this time, it makes me have happy associations with finals and helps me stay focused and energized while I am working. (Beware of

some of the energy drinks because they will make you crash; try to balance them with Gatorade or water)

Having a good dinner will help you get through the last hours of the nights and if you like cooking it can be incredibly relaxing to spend a little time in the kitchen a couple of times a week. That way you can control your food so you are eating healthy and also have some time to yourself to listen to music and to dance while you cook. Grab a coffee and head back to school to log in your final hours.

Step 3: Take Breaks

Although you might feel like you need to be studying all the time and may think that taking breaks will make you fail out of law school, you need to have some time just to relax. Try to make the most of your time studying by minimizing the time you spend browsing the internet, or the countless hours you spend complaining about professors or other students once finals stress begins to loom. Instead, pool that time so you can watch a funny movie. If you feel too guilty doing that, then just watch a lawish movie such as Michael Clayton or the Pelican Brief and pretend that counts as studying. If you think a movie is too much of a commitment, then watch a quick episode of a show you like. May I recommend Arrested Development -- particularly season two.

Step 4: Stay Physically Strong

One of the biggest complaints I heard during finals last year was people complaining of eye strain. My optometrist says there are two key things you need to do to minimize eye strain and prevent long damage to your peepers. First, remember to have good posture while you are reading or writing. Second, give your eyes a break every fifteen minutes or so by looking around and stretching out your eyes.

Also, don't sacrifice sleep (unless you

normally don't need much) to study. You will study yourself into the ground when you would do better if you just got your rest at night or took a quick nap and came back to the work later.

Step 5: Stay Mentally Strong

Finals can be depressing if you let them. The power of positive thinking is never more important than at finals. Give yourself positive reminders of your accomplishments and your capabilities. You made it to the most amazing law school in the world; if Sarah Zearfoss thought you were cool, you must be pretty sweet.

Also, make sure to maintain relationships outside of law school at this time. This is a good time to put in a long overdue phone call to Mom, Dad or another best friend. Talking to people who know you outside of law school will help you keep your perspective and help keep you balanced.

Step 6: Vary Your Surroundings:

Studying for finals can become like one long endless task unless you break up your routine and change the places where you study. Try studying at home, at a coffee shop, at the graduate library or on North campus. (You even might pick up a hot med student if you hang around enough!) I have also found that the third floor of Hutchins Hall is amazingly quiet in the late hours of the night and have opted to study there on nights when the second floor student lounge gets too festive. Finally, avoid the library if you get psyched out or start feeling claustrophobic.

Law school grades matter a lot. But the person you are and the way you live your life matters more. Enjoy what you are doing, put in the effort you need to do well, but don't forget the bigger picture.



Exam & Study Tips: To Stress or Not To Stress

By Erin Opperman

What is my number one recommendation for keeping sane as a 1L during finals? Hang out with 2Ls. They already have jobs, they don't care... talk to them about where they are in the study process, and you will realize that you're way more prepared than they are. At least momentarily it will make you feel like you're ahead of the game. The scary thing about finals the first semester is that we don't know what to expect, and like when you go around that first dark corner on the Matterhorn ride at Disneyland, nothing is worse than that big looming question of "what the fuck is gonna happen next?" But, if you don't know any 2Ls, or the 2L you do know is one of the rare breed that is still a gunner after his first year, here are some tips for making it through the next few weeks without wanting to pound on Dean Z's door and demand that she explain why she hates you so much as to have ever admitted you in the first place.

Stress feeds on stress, and it has been scientifically proven that the hormones released from the adrenal glands when you're stressed inhibit the formation of new memories and the retrieval of old ones. So do your memories a favor and chill out. Have a beer, go for a run, or sleep in late and skip Contracts (just kidding, Professor White!). But in all seriousness, not stressing at all is impossible, and when I saw my very experienced, very together friend freak out the other day, I knew all bets were off. According to Professor William Miller, stress is useful, and giving yourself a false sense of security with those 100 page outlines is counter-productive. Prof. Miller says that has "always had my doubts about those crazed outlines about as long as the casebook. They seem to give people a sense of security, but a sense of security ain't always the best thing to have -- it may undo the useful anxiety that prompts the adrenaline that

you need to be firing on all cylinders in the exam." So maybe a balanced approach works best. Don't be arrogant and go into an exam thinking that because your professor gave you an affirming nod every time you spoke in class you're on your way to a sure A, but at the same time, don't think because you're confused or haven't done the 20 practice exams your classmates *say* they've done, you're doomed.

Preparing for the Exam

With regard to the outlines, whether they're useful or not, like everything else in law school, depends on the person. If you go that route, there are varying ways to create one. You can start from scratch, go through your briefs, class notes, or the different color highlights in your book and compile three months of information into a neat and understandable little (or not so little) outline. The upside of starting from scratch is that the act of creating the outline is the studying; by the time you finish you will probably remember, and hopefully understand, most of what you went over this past semester. The downside of starting from scratch is that not many (if any) of us have the enormous amount of time that it takes to outline. On the other hand, everyone knows at least one upperclass(wo)man who has had or knows someone who's had your professors: email your FYI leader, who has hopefully been sending you "outline goodies," and start from there. Professor Jill Horwitz says that with outlines, you should start broad and make them more concise as you understand more, and more than one 2L I spoke with said that what worked for them was taking a couple of outlines that they found helpful, compiling them, and then adding in their own notes. This in itself will also be studying and will hopefully leave you enough time to go over them again, along with any other supplements you may think are important. Once you refresh your memory, review your material, and realize you do understand what 2-207

says (ok, not what it says, but that it is the section you're least likely to understand), you can go on to the next step: practice tests.

Every 2L and 3L I spoke with, along with the majority of the professors, say that practice tests are the most helpful study method. Law school exams aren't about memorization and regurgitation; they are about understanding what your professor is looking for on the exam. According to Professor James White, every subject has limited issues and the same ones will repeat themselves on tests, so if there are tests available from the past four years, look at them! The best way to do this is by getting old exams from the UM Law Library website, upperclass(wo)men, or the professors themselves. Go over them with your classmates, specifically classmates who will bring a different perspective than you to the discussion. Professor White also says it isn't what is on your outline you should pay attention to. It's what comes up when you go over a practice exam that isn't on the outline that you should write down. I should note, I have been advised several times that it is good to look at practice exams well in advance of the final -- both so you can ask your soon-to-disappear professor any questions you may have, and so you know what to focus on during review itself.

Taking the Exam

The critical task on exams is, given the facts in your ever-so-long hypothetical, to spot those elusive issues. Professor Christina Whitman says that "learning the arguments for and against 'the rules' [that apply to a given issue] is at least as important as learning the rules themselves. Then, when taking the exam, consider whether the facts or proposal before you can be used to show the force (or the irrelevance) of the arguments or the purposes served." Both White and Whitman state that the first thing to do

CONTINUED on Page 15



From Duby to Jacobi to ... You?

The Mr. Wolverine Preview

By Kerry Monroe

Did you spot one of your classmates practicing his dance moves in what he thought was a deserted corridor? Hear another discussing which professor he would want to be stuck on a desert island with?

Don't worry; you're not going crazy, and neither are they. These lucky gentlemen have recently accepted nominations to participate in the Latino Law Student Association's (LLSA) annual Mr. Wolverine contest! They will be acting, dancing, and strutting their way into your hearts on January 25, 2008. The contestants are:

1Ls:

Tom Bousnakis
Joe Jones
Stasek Levchensky
Joe Neely
Ondrej Staviscak Diaz
Josh Van Der Ploeg

2Ls:

Matt Gale
Rob Kim
Manoj Ramia
Zaki Robbins
Travis Zollner

3Ls:

Andrew Adams
Dan Gunderson
Andrew Knepley
Greg Yanke

Mr. Wolverine, one of the most eagerly anticipated events of the year, is sponsored by the Grand Rapids firm of Varnum, Riddering, Schmidt, and Howlett. The proceeds will go to LLSA's Project Comunidad, a source of summer funding for 1Ls doing public interest work in the Latino community.

RG Archive Photos

For the first couple weeks of the winter term, the contestants will be hard at work in rehearsals three to four days a week, preparing for their performances.

But according to contestant Tom Bousnakis, there's no real competition: "I have the sultry looks of John Stamos, the fierce attitude of Gloria Gaynor, and moves smoother than Vanilla Ice. Who can possibly compete with that?"



of their personal styles. The top five contestants, selected by such esteemed judges as Dean Virginia Gordan and Professor Bruce Frier, among others, are then posed on-stage questions.

Professor Frier was a judge last year as well, the first time he attended Mr. Wolverine. He was most surprised by



"the depth of show biz talent among our students -- especially the spectacular dance numbers!" According to him, "Much the best part of the evening, though, was the extraordinarily funny film that Mark West and Sarah Zearfoss showed, of typical faculty members in their offices. The two sheep in Kyle Logue's office were a particularly fine touch."

This year's competition will feature a brand new video introduction, and LLSA promises us surprise comedic and musical guest appearances as well! And for the first time ever, an LLM student or visiting scholar will be chosen to participate, as a fun way to incorporate these much appreciated, but often underrepresented, members of our community.

"I personally think Mr. Wolverine is one of the most important nights of the year for the law school community," said contestant Andrew Knepley. "It's one of the only chances we get to bring nearly everyone together in one place. Although that makes me pretty nervous, I'm also very excited to finally get my opportunity to vie for the glory that is ... being Mr. Wolverine."



Save Yourself: A Semester-Long Exercise in Perspective

See You in December: Planning a Post-Exam Adventure

By Liz Polizzi

I seem to remember someone telling me sometime early in my 1L year that law school got a lot easier after year one. If I'm not mistaken, someone told a similar lie during my 2L year – that once you got through that, it would be smooth sailing. But here I am, three weeks away from the end of my law school career, and just like every near-exam period before, I find myself plagued by miniature heart attacks whenever I look at a calendar and realize how few days stand between now and the first day of exams. I have met people who are much more level-headed about these things than I am, and I respect them for it. But we've all had that recurring nightmare of walking into an exam completely unprepared – and I for one am not brave enough to face that nightmare come true.

As sad as it is that after all this time – and a semester writing this column – I have not yet learned to chill out, I have learned a coping mechanism that I hope to help you employ: when the worst of it is upon you, take a little time out to think about and plan all the things you'll do when it's finally over. For me, the promise of a post-bar exam trip to South America has sustained me from day one of law school, and I highly recommend developing a similar plan of your own. But for those of you who aren't so lucky as to be moving on to greener pastures anytime soon, I present you with some ideas for fun and interesting things to do in the Ann Arbor / Detroit area immediately after finishing exams.

Music

While it's true that December offers the music addict a festive cornucopia of options – including such acts as Ozzy Osborne and Rob Zombie (Dec. 18 at

the Joe Louis Arena in Detroit), The Lemonheads (Dec. 15 at The Blind Pig in Ann Arbor), and R. Kelly with special guests Keyshia Cole and J. Holiday (Dec. 22 at the Joe Louis Arena) – the most unique musical experience my diligent research uncovered is an event called *Too Hot to Handel*, to be performed at Detroit's Fox Theater on Saturday, Dec. 22.



Courtesy of Olympia Entertainment and the Rackham Symphony Choir

Too Hot to Handel, a gospel-jazz version of George Frideric Handel's *Messiah*, features three vocal soloists, a gospel choir, an orchestra, and a jazz rhythm section. Developed by Marin Alsop, 2005 MacArthur Fellow and the first woman to head a major American orchestra, in conjunction with composers Bob Christianson and Gary Anderson, *Too Hot to Handel* was first performed at New York's Lincoln Center in 1993. Since then, it has become an annual event rivaling the more traditional holiday performances of Handel's *Messiah* around the world. The Detroit production will be performed by the Rackham Symphony Choir, the official choir of the Detroit Symphony Orchestra since 1952. Two shows will be performed on Dec. 22, one at 2pm and the other at 8pm; tickets start at \$18.

Theater

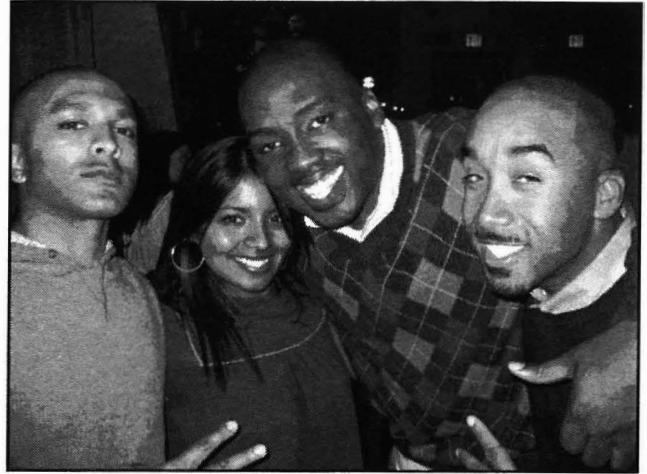
I have been meaning to see a play at the Performance Network on E. Huron St. since I arrived in Ann Arbor, but still have yet to do it. For the post-exam period, they will be performing *The Baker's Wife*, a musical created by the producers of *Godspell* and *Fiddler on the Roof*. The production has gotten good reviews so far, it's nearby, and the price is only \$20 for students. If you're at all interested in theater, it might be a fun thing to do one of these nights when a compounded hangover prevents you from enjoying yet another night at the bar.

If you're willing to go a little farther away and make a night of it, there are several theaters in the Detroit metro area that offer larger-scale productions. The Detroit Opera House is hosting the traveling Broadway production of *The Lion King* for a six-week engagement until January 6, with tickets starting at \$15. The historic Gem Theater, also in downtown Detroit, is offering a Christmas-themed play called *Forbidden Christmas*, which tracks the adventures of "Chito, a loveable madman," who convinces a doctor to brave a blizzard to treat a sick girl (apparently some hijinks ensue). At \$39.50, the cost is a little steeper than the other available fare, but the theater itself provides some additional adventure and allure – the 1903 building that houses the theater was physically transported to its present location in 1997, becoming the heaviest building ever moved on wheels. Meanwhile, the Planet Ant Theater in Hamtramck (a tiny city that is bordered by Detroit on all sides) offers an improvisational Christmas-themed play, which they call *Clear and Present Manger*; tickets are \$10 for students, which includes free coffee and donuts during Sunday matinee performances.

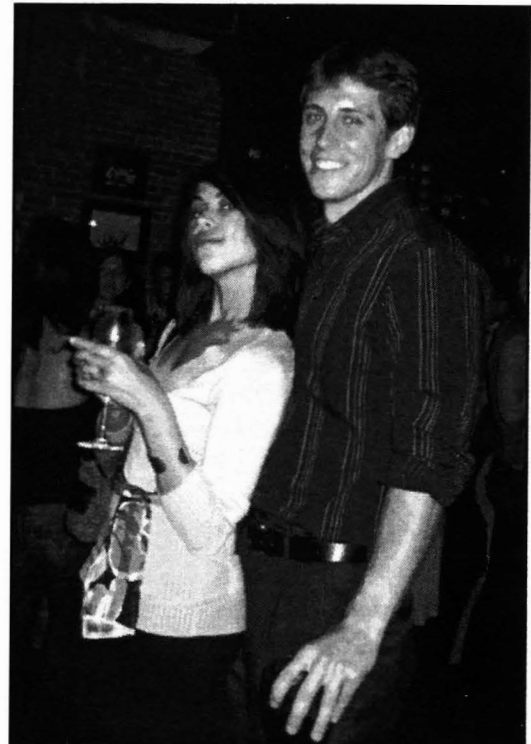
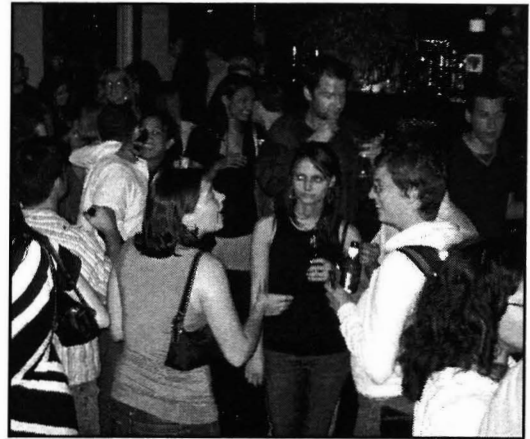
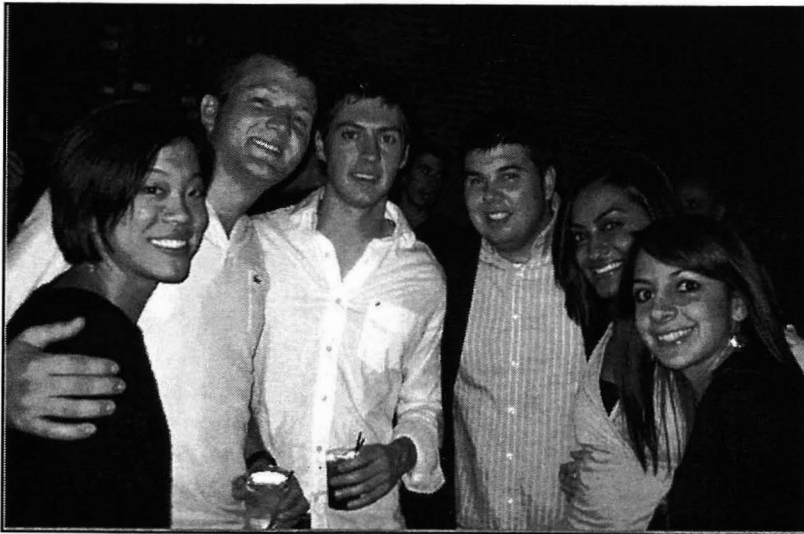
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Bar Night At Vineology, Thursday Nov. 29



Photos Courtesy of Rotolu Adebisi



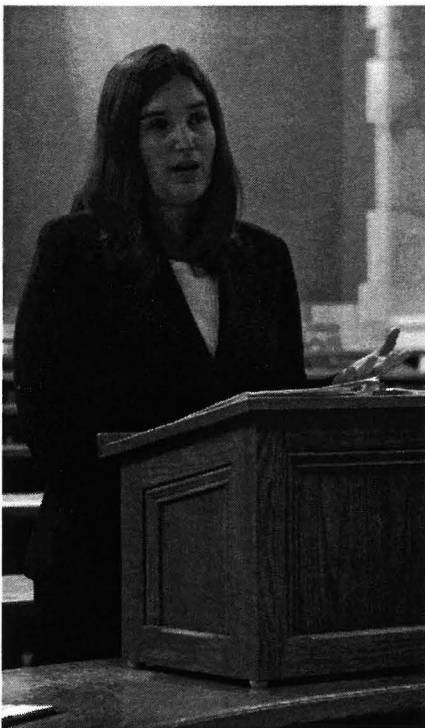
Students, Alumni and Faculty Rock Round One of Campbell Moot Court Competition

Second- and third-year law students competed in the first round of the Henry M. Campbell Moot Court Competition, held Nov. 13, 14, 15, and 16 in various rooms around Hutchins Hall.

Over eighty legal practitioners, many of them University of Michigan Law School alumni, traveled from as far away as Chicago to volunteer as judges in the competition. Out of the forty-five teams that participated in the first round of the competition, twelve will advance to the quarterfinal round, to be held in late January.



Henry M. Campbell Moot Court judges Adam Grant, an associate at Dickinson Wright PLLC, X, and Mark Kowalsky, a partner at Jaffe Raitt Heuer & Weiss, P.C., and Scott Seabolt, a partner at Foley & Lardner LLC, engage with the students arguing before them.



Jolene Meiring, a 2L, argues that the Fourth Amendment protects an individual's right to be free from illegal seizure in a public hallway.



Kirk Mangels, a 3L, argues that reasonable detention, under certain circumstances, is allowable under the Fourth Amendment.



JEFFRIES from Page 1

presentation in my next class – on North Campus! “Oh God! What if I don’t get to stay for the speech?”, I thought. “Can I miss class? No, I can’t do that, I have a group presentation!” “Oh, but I really want to hear what this guy has to say – how he became who he is, how he got his start, how he made it.” “Man, I just can’t leave; I’ve got to stay for as long as I can. Besides, *Res Gestae* is depending on me to write this article...” “Hang on; what’s that going on in the hallway? Hey, there’s that law school photographer who is at all the important events. Finally! He must be coming down the hallway right now...yes!”

From my seat I could see into the hallway. There was an entourage of well-dressed, important-looking people. Even though I’d never before seen him, I could instantly tell who the man of the hour was -- there was an aura about him. He glided into the room, hugged the woman sitting next to me and went up to the podium. He wasn’t the stereotypical fat cat at all – he was over six feet tall, handsome with a full head of hair, and trim as an athlete. And so he began to speak.

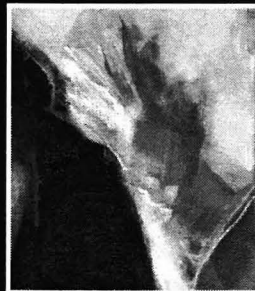
He was an impressive public speaker -- his words were thoughtful and deliberate. He told us where he came from – Flint, Michigan -- and how he went to college at Columbia but chose Michigan over Columbia for law school because he was eligible for in-state tuition. The few thousand dollars he saved coming here meant a great deal to him back then. Turns out he didn’t come from money. Now I was starting to understand why that woman said his story was inspiring.

Mr. Jeffries went on to tell us that after graduating from Michigan Law in 1974 he made a conscious decision to practice law at a small firm – “15 or 20 lawyers” – instead of a big firm as most of his peers did. He didn’t want to be just a number at a big firm; he wanted his first job to be one in which he could gain valuable experience right away. It was a good decision. He made partner in five years. “After practicing law for a few years and helping mostly small business clients,” he said, “I felt as though I could do what they were doing better than they did it. Plus, going through contracts with a fine-toothed comb was getting tedious and I

craved something more creative.” Hence, Christopher Jeffries decided to leave the practice of law and enter the world of business. He started with a leveraged buyout venture – a deal which gave him the capital and experience to start doing real estate deals. At first, he developed low and middle income housing; then eventually he moved into the luxury market. Now his company, Millennium Partners, develops only high end mixed-use developments in the most glamorous U.S. cities.

I wanted so badly to hear Mr. Jeffries speak because I wanted to come away with a lesson in real estate. And, yes, I did learn about some recent industry trends, but I ended up coming away with a much more important lesson. His speech was timely, coming at the tail end of the 2L interview season. I realized that so many of us in law school think that our success depends on going to the “right” firm in the “right” city -- as if our success in life depended solely upon our first job out of law school. Mr. Jeffries’s experience proves us all wrong. Here’s a guy that was at one time worried about paying a few

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thousand dollars extra for law school, but now was able to give away five million; he started his career at a small Southfield, Michigan firm but is now a major player in the country's hottest markets. It's not about which firm you work for directly out of law school or in which city you first practice. Success depends on hard work, ingenuity, and the ability to take risks -- the same qualities that got us to this fine institution in the first place. As Mr. Jeffries put it, "well-trained lawyers will succeed in anything they do." An education in the law will take each of us far. Alright, I know you're thinking "Well, that's just one person, his story is a one in a million kind of thing, blah blah blah." Ok, maybe. But Michigan Law success stories are all around us. That woman sitting next to me for instance? She's a former CEO.

RG

TIPS from Page 9

is to organize your answer. Whether you make notes, a short outline, or different patterns of circles and squares, have some idea of what you are going to say in your answer before you write so recklessly that you get lost in your labyrinth of the Model Penal Code. Both professors and upperclass(women) alike say to use concise but poignant topic sentences. Don't just state what the rules are (the professor already knows -- and may have written them), but apply them to the facts in a way that shows your professor that you know what they mean. At the same time, use cases, statutes, and applicable codes to anchor your professor to your analysis.

Another important thing is to manage your time. Both small and large-scale time management is key during an exam. On each single question, consensus is, spend 30% of your total time organizing your answer before writing anything down. For the total exam, if professors have not given you suggested or firm time limits for each question (or groups of questions), then look through the exam briefly before you start and set your own time limits. The idea is to give yourself

PRESCOTT from Page 7

come.... The worst case scenario is that a few of the people who come to the lunches sit, they eat their lunch, and they get to see something different."

Speaking as someone recently out of the academic job market, Professor Prescott said that he hopes people do come even if they just want to see that something different for an afternoon. Hopefully they'll leave with a new perspective on what being a professor is all about, and maybe a little more excitement about the idea of creating a work of their own.

RG

GIFTS from Page 6

Regardless of how (or on whom) you choose to spend your money this winter, be safe, be satiated, and be mindful of the noise ordinance -- 'tis the season to be jolly, not annoy the neighbors. Happy break!

To submit a question or idea for Res Gestae's new sex columnist, please feel free to e-mail rg@umich.edu, or, if you'd prefer greater anonymity, deposit your question under cover of night in the RG student group pendaflex outside Legal Research 116.

RG

time to answer everything. Whitman says, "Leave enough time for the last question. Almost everyone cuts it short on that one, so it's a good place to pick up points that distinguish you from your classmates. And it shows you have discipline!"

When it comes down to it, you'll never have enough time to do everything you want to in preparation, nor write about everything you think of on an exam. A certain 3L I know shared a very encouraging story with me, explaining that on her very first law school final, she freaked out, only answered one essay question completely, and still

ADVENTURE from Page 11**Shock and Awe**

For those who are willing to drive an hour north, the reward could be astronomical. Yes ladies and gentlemen, in a planetarium in the oft-maligned city of Flint, Michigan, you too could see a holiday-themed laser light show! Boasting 285 seats beneath a 60-foot dome, the Robert T. Longway Planetarium is Michigan's largest planetarium, and from now until Dec. 23, it will be holiday music and laser lights throughout the day every Friday, Saturday, and Sunday. Whether you go with your kids or go for the kitsch, the laser light show is surely worth the short drive. The price of admission is a mere \$5 for adults (free for children ages 2 and under).

However, the post-exam event that I'm most looking forward to has nothing to do with holidays, music, or drama. Every Wednesday and Thursday night, the Magic Bag music venue on Woodward Avenue in Ferndale (a Detroit suburb about 45 minutes from here) hosts "Brew & View" nights, where first-run movies are shown for \$2 in a venue that serves -- you guessed it -- beer. During the post-finals season, the two films on tap are *Superbad* and *Darjeeling Limited*. Doors open at 8pm, and the movie starts at 9:30pm. See you there!

By the time you read this, Liz Polizzi will no longer be Managing Editor of Res Gestae. Send comments, questions, or a statement expressing your interest in taking over this column, thus serving the public good by reminding law students about life outside the law, to rg@umich.edu.

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passed. So, resolve to do your best, accept that grades may or may not reflect your understanding of the subject, and take solace in the fact that you go to an amazing law school. And really, unless you're looking to succeed Dean Caminker, you will get the job you want anyways.

RG



Law School Events

Tuesday, December 4

Bitter Frenemies: Fatah and Hamas and the Democratization Process in Palestine (MELSA) - A lecture by Dr. Khalil Shikaki, director of the Palestinian Center for Policy and Survey Research. Lunch provided. 12:20-1:20; 138 HH.

Cookie Sale (BLSA) - The RG may be hot off the presses, but by the time you read this BLSA's cookie sale will be winding down; get 'em while you still can! 8:00 - 12:00; in front of 100 HH.

Wednesday, December 5

The Auto Industry and the Future of American Labor (Law School Democrats, Labor Law RT) - Micki Maynard of the New York Times talks about the recent contract negotiations between the Big Three and the United Auto Workers and what they mean for the future of

American organized labor. 12:20 - 1:20; 138 HH.

MovieNight(MELSA) - Showing "Reel Bad Arabs," a documentary on the poor representation of Arabs in films throughout American cinematic history; popcorn and soda provided. 6:00 - 7:00; 138 HH.

Thursday, December 6

Winter Concert (Headnotes) - Come hear the Headnotes rock it a capella style! 7:30 PM; Lawyers Club Lounge.

Friday, December 7

'Wines of Celebration' (Wine Club) - Come to the final even of the Wine Club season at Vinology. Space is limited, so RSVP online! 7:00 - 10:00 PM; Vinology, 110 S.Main St.

Sunday, December 9

Exam Snacks(LSSS) - Come by the LSSS office for free and yummy snacks during exam study days - Dec. 9th, 11th, 13th, 15th, and 17th. 7:00 - 9:00 PM; LSSS office.

NEXT SEMESTER

Friday, January 25

Mr. Wolverine (LLSA) - More fun than you can shake a stick at; mark your calendars for the 2008 Mr. Wolverine Pageant! 8:00 PM; Mendelssohn Theater (North University & Ingalls).

Thursday, February 7

Date Auction (BLSA) - The wait is finally going to be over; mark your calendars for BLSA's annual date auction! 6:30 PM; TBA.



**HAVE A
HAPPY
HOLIDAY!**

-THE RG STAFF



Photo by Adriel Sanders